

REMARKS

The above Amendments and these Remarks are submitted under 37 C.F.R. § 1.121 in response to the non-final Office Action mailed August 2, 2006. Claim 80 has been canceled as duplicative of limitations in independent claim 79. Claims 10, 27, and 71 are amended to better distinguish the present invention. Claims 10-15, 27-34, 44-49, 62, 64-79, and 81-90 remain pending.

Examiner's Action and Applicant's Response

The Examiner has rejected claims 10-15, 27-34, 44-49, 62, and 64-90. Claims 10, 12-13, 44, and 46-47 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Merjanian (U.S. Patent No. 5,920,642). Claims 11, 15, 27-29, 31, 45, 49, 62, 64-65, 67, 71-73, 75, 79-82, and 84 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Merjanian in view of Block et al. (U.S. Patent No. 6,675,384). Applicants respectfully traverse the rejections.

Response to the Rejection of Claims 10, 12-13, 44, and 46-47 under 35 U.S.C. § 102(b)

The Examiner has rejected claims 10, 12-13, 44, and 46-47 under 35 U.S.C. § 102(b) as being anticipated by Merjanian. However, Merjanian does not disclose or suggest each and every feature of the pending claims as amended. Applicants respectfully traverse.

Regarding claim 10, the Examiner stated that "Merjanian discloses ... recognizing said current user ... verifying an identification of said current user based upon results of the biometric identification ... communicating said verified identification of said current user to said set-top box ... selecting preference and profile data ... assigning the preference and profile data ... [and] controlling display of said video segment based on said preference and profile data". Applicants respectfully disagree.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." M.P.E.P. 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claim 10 is directed to a "method of controlling a video segment and data utilizing a remote control device that interacts with a set-top box to provide enhanced

interactive content based upon an identity of a current user of said personal remote control”.

Claim 10 includes the steps of “receiving biometric recognition data of said current user with an interface in said personal remote control unit; verifying an identification of said current user based upon the biometric recognition data by said personal remote control unit; [and] communicating said verified identification of said current user from said personal remote control unit to said set-top box”.

Applicants respectfully submit that Merjanian does not teach or suggest recognizing and verifying a user’s identification in the personal remote control, then communicating the identification to the set-top box, as claimed in claim 10. Merjanian discloses obtaining identification information from a user, then sending that information to a set-top box for identification of the user by the set-top box. In Merjanian, “fingerprint data is entered by placing the digit 32 on the platen 30. The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device.” (Col. 11, lns. 30-34). Thus, the remote control merely receives fingerprint data and sends the data to the set-top box, without first identifying the user, as in claim 10 of the present application, which identifies the user on the personal remote control unit before sending the identification to the set-top box.

More specifically, amended claim 10 claims a distinction between recognition data and identification data, received by the personal remote control unit and sent to the set-top box. In amended claim 10, the personal remote control unit first receives recognition data from a user, then verifies that recognition data, providing identification data, which is then sent to the set-top box. In Merjanian, the remote control merely receives fingerprint data, i.e., recognition data, checks the data to see if the data is complete and usable, then sends the recognition data to the set-top box for identification at the set-top box.

Several advantages are realized by the method claimed in claim 10. Less data is sent to the set-top box when only identification data is sent from the remote control to the set-top box, rather than recognition data, as in Merjanian. Additionally, the use of a single or multiple remote controls, each identifying a user or multiple users using recognition data and then sending identification data to the set-top box, allows easy upgrade or replacement of the set-top box. Each user is not identified in the set-top box but is identified at the remote control. In Merjanian, each user is identified at the set-top box.

Similarly, regarding claim 44, the Examiner rejected claim 44 as anticipated by Merjanian. Applicants respectfully disagree.

Independent claim 44 is directed to a “system for controlling the display of enhanced video content utilizing a personalized remote control device such that said enhanced video content that is displayed is based upon an identity of a current user of said personal remote control”. Claim 44 includes “an identification input device within said personalized remote control that verifies said identity of said current user based on biometric identification; [and] a communication link between said personalized remote control and said set-top box that transmits said verified identity of said current user”.

As above, Applicants respectfully submit that Merjanian does not teach or suggest a system with an identification input device within the remote control that verifies a user’s identity in the personal remote control, and a communication link that transmits the verified identity to the set-top box, as claimed in claim 44. Merjanian merely discloses obtaining biometric information from a user, then sending that information to a set-top box for verifying the identity of the user. In Merjanian, “fingerprint data is entered by placing the digit 32 on the platen 30. The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device.” (Col. 11, lns. 30-34). Thus, the remote control receives fingerprint data and sends the data to the set-top box, without first identifying the user, as in claim 44 of the present application, which recites an identification unit on the personal remote that verifies the identity of the user on the personal remote control unit before sending the verified identity to the set-top box.

As above, claim 44 claims a distinction between recognition data and identification data, received by the personal remote control unit and sent to the set-top box. In claim 44, the personal remote control unit first receives recognition data from a user, then verifies that recognition data, providing identification data, which is then sent to the set-top box. In Merjanian, the remote control merely receives fingerprint data, i.e., recognition data, checks the data to see if the data is complete and usable, then sends the data to the set-top box for identification.

As above, several advantages are realized by the method claimed in claim 44. Less data is sent to the set-top box when only identification data is sent from the remote control to the set-top box, rather than recognition data, as in Merjanian. Additionally, the use of a single or multiple remote controls, each identifying a user or multiple users using recognition data and then sending identification data to the set-top box, allows easy upgrade or replacement of the set-top box. Each user is not identified in the set-top box but is identified at the remote control. In Merjanian, each user is identified at the set-top box.

For all of the above reasons, Applicants respectfully submit that claims 10 and 44 are not anticipated by Merjanian. Claims 12-13 depend from claim 10 and are respectfully submitted as not being anticipated by Merjanian for the reasons given above for claim 10. Claims 46-47 depend from claim 44 and are respectfully submitted as not being anticipated by Merjanian for the reasons given above for claim 44.

Response to the Rejection of Claims 11, 15, 27-29, 31, 45, 49, 62, 64-65, 67, 71-73, 75, 79-82, and 84 under 35 U.S.C. § 103(a)

Claims 11, 15, 27-29, 31, 45, 49, 62, 64-65, 67, 71-73, 75, 79-82, and 84 have been rejected under 35 U.S.C. 103(a) as being obvious based on Merjanian in view of Block. However, Applicants respectfully traverse. Merjanian in combination with Block does not disclose or suggest each and every feature of the pending claims.

The Examiner stated that “Merjanian disclose all of the limitations in claim 10, but fails to disclose controlling display of said video segment being based on comparing one or more tags placed in said video segment that indicate content of said video segment to said preference and profile data within said current user database [emphasis removed]. Block discloses controlling display of a video segment based on comparing one or more tags placed in said video segment ... that indicate content of said video segment ... to said preference and profile data ... within said current user database. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the user and program identification system, as taught by Merjanian, using the tags placed in the video content that are compared to preference and profile data in order to control the display of the video content, as taught by Block, for the purpose of allowing a user to make informed choices, allowing producers and distributors to gain having a greater opportunity to provide what customers want, and allowing society to gain maintaining freedom of choice and supporting informed decisions”. Applicants respectfully disagree.

Independent claims 27, 62, 71, and 79 are similarly directed to methods and systems of controlling a video segment. The independent method claims 27 and 71 include the step of “controlling display of said video segment based upon said preference and profile data and a comparison of tags placed in said video segment with said preference and profile data stored in said current user database, where in the tags are descriptive of the video segment” and the step of “controlling display of said video segments of said video stream based on a comparison of said preference and profile data with tags that are placed in said video stream that indicate said

video content of said video segments on a segment-by-segment basis”. Additionally, independent claims 27 and 71 include the steps of “receiving biometric recognition data of said current user with an interface in said personal remote control unit; verifying said identity of said current user based upon the biometric recognition data by said personal remote control unit; [and] communicating said verified identification of said current user from said personal remote control unit to said set-top box” and “receiving recognition data from said current user through the use of biometric identification in said personal remote control unit; verifying said identity of said current user, based upon said recognition data by said personal remote control unit; [and] communicating said verified identification of said current user from said personal remote control unit to said set-top box”.

Similarly the independent system claims 62 and 79 include “a set-top box that assigns preference and profile data based on the identity of said current user to a current user database, and that assigns preference and profile data corresponding to said current user to said current user database and that controls said display of said video content based on said preference and profile data within said current user database, and that controls said display of said enhanced video content based on comparing tags placed in said video stream that indicate content of said video stream to said preference and profile data within said current user database” and “a set-top box that assigns preference and profile data based on the identity of said current user to a current user database within said set-top box, and that controls video segment output by controlling video segment content based on said preference and profile data within said current user database, and that further controls said video segment output by controlling said video segment content based on comparing tags placed in a video stream that indicate said video segment content of said video stream on a segment-by-segment basis to said preference and profile data within said current user database”. Additionally, independent claims 62 and 79 include “an identification input device within said personalized remote control that verifies the identity of said current user based on biometric identification; [and] a communication link between said personalized remote control and said set-top box that transmits said verified identity of said current user”.

Block merely describes a labeling system that uses categories of labels for shows, allowing access to be limited according to the label of the show. Block does not disclose controlling the display of a video segment based upon the comparison of one or more tags placed in the video segment that indicate the content of the video segment to preference and profile data within a user profile, where controlling the display of the video segment may

include replacing a video segment with an different channel or alternate video segment (specification, p. 13, ln. 9-11), as claimed in amended independent claims 27, 62, 71, and 79. Additionally, applicants further submit that Block does not teach receiving recognition information at the personal remote control unit, verifying identification information based upon the recognition information, and sending the identification information to the set-top box, as claimed in amended independent claims 27, 62, 71, and 79.

Claims 11 and 15 depend from claim 10 and thus are respectfully submitted as being non-obvious based on Merjanian for the same reasons as given above for claim 10. Additionally, applicants respectfully submit that Block does not teach or suggest a method of controlling a video segment as claimed in claims 11 and 15. As above, Block does not disclose controlling display of said video segment based upon comparing one or more tags placed in said video segment that indicate content of said video segment to said preference and profile data within said current user profile, where controlling the display of the video segment may include replacing a video segment with an different channel or alternate video segment (specification, p. 13, ln. 9-11). Additionally, Block does not teach obtaining recognition information at the personal remote control unit, verifying identification information based upon the recognition information, and sending the identification information to the set-top box. Applicant respectfully submits therefore that claims 11 and 15 are not rendered obvious based on Merjanian in view of Block for this additional reason.

Claims 14 and 48 have been rejected under 35 U.S.C. 103(a) as being obvious based on Merjanian in further view of Rothmuller (U.S. Patent No. 5,635,989). However, Merjanian in combination with Rothmuller does not disclose or suggest each and every feature of the pending claims. Claims 14 and 48 depend from claim 10 and thus are respectfully submitted as being non-obvious based on Merjanian for the same reasons as given above for claim 10 and 44. Applicants respectfully submit that Rothmuller does not teach or suggest a method of controlling a video segment as claimed in claims 14 and 48. Further, Rothmuller does not disclose the process of empirically deriving said profile data from the usage patterns of said remote control device by said current user, as claimed in claims 14 and 48. Applicants respectfully submit therefore that claims 14 and 48 are not rendered obvious based on Merjanian in view of Block for this additional reason.

Claims 30, 66, 74, and 83 have been rejected under 35 U.S.C. 103(a) as being obvious based on Merjanian in view of Block in further view of Rothmuller. However, Merjanian in combination with Block and Rothmuller does not disclose or suggest each and every feature of

the pending claims. Claim 30 depends upon independent claim 27, claim 66 depends upon independent claim 62, claim 74 depends upon independent claim 71, and claim 83 depends upon independent claim 79. For the reasons given above with respect to independent claims 27, 62, 71, and 79, claims 30, 66, 74, and 83 are not rendered obvious by Merjanian in view of Block in further view of Rothmuller.

Claims 32-34, 68-70, 76-78, and 85-87 have been rejected under 35 U.S.C. 103(a) as being obvious based on Merjanian in view of Block in further view of Sumita (U.S. Patent No. 6,581,207). However, Merjanian in combination with Block and Sumita does not disclose or suggest each and every feature of the pending claims. Claims 32-34 depend upon independent claim 27, claims 68-70 depend upon independent claim 62, claims 76-78 depend upon independent claim 71, and claims 85-87 depend upon independent claim 79. For the reasons given above with respect to independent claims 27, 62, 71, and 79, claims 32-34, 68-70, 76-78, and 85-87 are not rendered obvious by Merjanian in view of Block in further view of Sumita.

Claims 88-89 have been rejected under 35 U.S.C. 103(a) as being obvious based on Merjanian in view of Sumita. However, Merjanian in combination with Sumita does not disclose or suggest each and every feature of the pending claims. Claims 88-89 depend upon independent claim 79. For the reasons given above with respect to independent claim 79, claims 88-89 are not rendered obvious by Merjanian in view of Sumita.

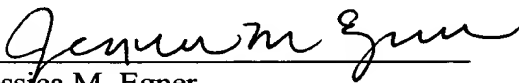
Claim 90 has been rejected under 35 U.S.C. 103(a) as being obvious based on Merjanian in view of Block in further view of Menard (U.S. Patent No. 6,061,056). However, Merjanian in combination with Block and Menard does not disclose or suggest each and every feature of the pending claim. Claim 90 depends upon independent claim 79. For the reasons given above with respect to independent claim 79, claim 90 is not rendered obvious by Merjanian in view of Block in further view of Menard.

Conclusion

For the above reasons, Applicant respectfully submits that all pending claims, claims 10-15, 27-34, 44-49, 62, and 64-90 in the present application are allowable. Such allowance is respectfully solicited

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (202) 585-8000.

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Dated: February 2, 2007